

SERC Meeting

June 21, 2000

8:30 a.m.

John Pack began the meeting at 8:35 a.m. for those in attendance see attached roster. The minutes of April 6, 2000 were reviewed. Mr. Pack asked for corrections/deletions or additions. Giles Watson (Mike Agee's designee) moved to approve the minutes, Richard Jarvis seconded. Motion passed.

HMEP Grants - 2001 HMEP Grant award from US DOT including the state matching funds will be \$178,301 for planning and training. Dave Wheatcraft asked the board to authorize Mr. Pack to request the 2001 HMEP Grant in the SERC's name. Joe Wyatt made a motion stipulating John Pack as the SERC representative for the HMEP grant to USDOT. Rick Atkinson Seconded, Motion passed. Update of 2000 HMEP Grants indicate 3 LEPC's have completed their grants; Monongalia, Raleigh and Ohio. All counties except Marshall/Wetzel have requested initial funding. Dave Wheatcraft reported we have received \$104,905.00 in grant requests for 2001, the SERC 2001 grant from US DOT is \$178,301; \$94,000 is planning and \$84,301 training. Mr. Pack asked Jim Riggs, Matt Musgrave and Rudy Raynes to serve on the grant subcommittee and report their recommendations to the SERC at the next meeting, Jim Riggs was asked to Chair the subcommittee. Dave Wheatcraft also reported he had spoken to Charles Roghoff of US DOT; Mr. Wheatcraft reports exercises can be funded with HMEP training monies under certain conditions. Disposable items such as gloves, suits, foam etc. those items connected to the exercise itself, unfortunately gasoline/diesel fuel or food for participants is not an allowable expenditure. Mr. Wheatcraft asked LEPCs to notify the SERC before they have an exercise; he will determine if funding can be provided. A letter requesting funding by Ohio County for hazardous material technician training has been received by the SERC. Mr. Wheatcraft asked Jim Cox (OES Training Officer) to comment on this request. Jim Cox suggested Ohio County ask RESA to provide the training since the state has utilized that system in the past. The six (6) level A suits at \$700 each can not be funded but there are funds available for one (1) training suit with test equipment for training purposes only. They have also requested the DuPont shower and pool for decontamination purposes. Mr. Wheatcraft said there are no federal funds he is aware of for this request. Mr. Wheatcraft asked Mr. Tagg to meet with him after the SERC Meeting to discuss possible solutions. There was discussion about RESA, their capabilities, scheduling and types of classes. Comment was made they are generally unwilling to work with LEPCs and on each particular need they may have. Mr. Pack said he is coordinating with all RESA Directors and bringing up concerns expressed by many counties over the

last few years concerning RESA.

SERC Grants - Approximately ½ of eligible counties have requested a SERC Grant. If you intend to apply for a SERC Grant for the 2000 year the requests must be received by 1 July 2000 and expended by 1 March 2001. Rick Atkinson asked if SERC Grants require By-Laws? Mr. Pack said yes by state statute.

Rick Atkinson asked how many LEPC's have By-Laws now, Mr. Pack that information is contained in his packet but 32 LEPC's have them with the inclusion of Doddridge, Pocahontas and Roane counties submitted today. There was also a question on grants and how amounts are determined. Tier Two fees submitted on a yearly basis by companies are logged in for each county they represent at the end of the year those amounts are totaled and 60% of those fees are then eligible to LEPC's in the form of a grant. If an LEPC was inactive or ineligible the previous year and during the current grant year become compliant with the SERC grant requirements they are eligible for the current grant amount as well as the previous years grant amount.

Old Business - Mr. Pack said he had asked Tom Burns to pose a question to the ethics commission on LEPC members being utilized as contractors by their LEPC for projects. The Ethics Commission replied as long as the member does not vote on supplying himself/herself funding it is not unethical to utilize LEPC members for projects an LEPC is undertaking. Mr. Pack asked if the SERC agrees to permit a copy of the Ethics Commission reply be forwarded to all LEPC's for their review. There was some discussion by the committee on ethics, amount of contracts and the bidding process. There was additional discussion on when a member should excuse themselves from voting and the procedures necessary for the LEPC to determine their acceptability as a contractor. The consensus is that questions pertaining to the job/contract itself are acceptable but no preferential treatment or collusion will be acceptable because the contractor is a member of the LEPC. Rick Atkinson made a motion to distribute the Ethics Commission opinion with a letter by the SERC, Jim Riggs seconded. Motion passed.

Plan Reviews - Kim Hallam said two counties have submitted plans, Doddridge County has an update of their existing plan and Roane County has submitted a new plan. Both plans meet the 9 required criteria determined by the SERC. Roy McCallister made a motion to accept the plans as submitted, Rick Atkinson seconded. Motion passed.

LEPC Membership Approvals - None

By-Laws - Mr. Pack asked why Kanawha/Putnam was submitting By-laws, it was explained Kanawha/Putnam has previously approved By-Laws but they have made some administrative changes and has submitted those changes to the SERC. Joe Wyatt made a motion to accept Kanawha/Putnam By-Laws as submitted, Roy McCallister seconded. Rick Atkinson asked to discuss the process further; as I understand it an LEPC submits By-Laws the SERC reviews and comments on them and at that time explains to them the deficiencies or necessary requirements. The SERC should determine requirements, notify all LEPC's so when they begin development of their By-Laws they understand the requirements before they are submitted. Mr. Atkinson also suggested the SERC determine the requirements so SERC Board Members would know what to look for when By-Laws are submitted for acceptance. Mr. Pack said we can readily do that, Dave Wheatcraft will review By-Laws submitted to the SERC and make his recommendation. Is there any other comments on Kanawha/Putnam if not a motion is still on the floor.

JR Bias said in sections 2.1 and 2.2 the Administrator and Administrative Assistant have position descriptions which were included by reference but the descriptions have not been included in my By-Laws. Our personnel committee makes that determination. Joe Wyatt made an amendment to his earlier motion-move to approve Kanawha/Putnam By-Laws with the provision the job descriptions discussed previously of Administrator and Administrative Assistant are submitted to the SERC as reference material for KPEPC's By-laws. Roy McCallister seconded. Motion passed. Mr. Pack said the original motion was still on the floor for the acceptance of KPEPC's By-laws. Motion passed. Joe Wyatt indicated Doddridge County's submission of By-Laws did not have a signed approval sheet and some of the verbiage on the selection of chairperson, vice-chairperson and recording secretary needs to be cleaned up. There was also a few sections which indicated SERC as the county entity and should have been Doddridge County LEPC. Joe Wyatt moved to accept Doddridge County By-Laws with the stipulation they revise the sections in question. Joe Wyatt indicated the same type of problems with Roane and Pocahontas county By-Law submissions, neither of them have signed approval pages. Mr. Pack said in the past we have not approved By-Laws without signed approval pages and he felt they should be tabled until they were received from the LEPC's. By-Laws for Pocahontas, Doddridge and Roane are tabled until the corrected information is received.

Training Subcommittee - Jim Cox reported to the SERC the continuing difficulties with the FEMA manual. The cost to print the manual from FEMA is now \$150 at 564 pages. A questionnaire will be sent to each fire department in the state, if

they fill out the questionnaire and return it to EMI and the Fire Academy will distribute to those departments free. Quick Copy at the Capitol does not feel they can produce the book for less than \$150 either because of the color pages. Prison Industries has indicated they can print the book for \$13.00 only if it is in black and white but virtually every page has color due to picture of the placards. We originally felt we should distribute the books to every fire department, 911 center and State Police detachment in the state, approximately 600 books at a cost of \$150 each that is \$90,000 our budget is \$35,000. Mr. Pack said the 911 council sent out their own questionnaire 41 centers responded; 22 requested hard copies and 24 requested CD Rom, several wanted both. There was discussion on whether to proceed with CD purchases or continue to look for printing facilities which could produce copies at a more reasonable rate. Rick Atkinson moved to purchase CD ROMS for distribution at \$2.00 each for 911 centers and continue the effort to print the manual. Roy McCallister seconded. Motion passed. Jim Cox also suggested letters be sent to each individual Fire Department letting them know HMEP training money is available for their use. Mr. Pack said we can do that.

Legislative Subcommittee - Mr. Pack asked Rudy Raynes to report on the subcommittees findings. Mr. Raynes said according to existing legislation the Fire Marshal has the authority to issue a letter relaying some of the extended liability of the private contractors and private Hazmat teams without invoking new legislation. Mr. Raynes said it was his understanding letters had previously been approved by the State Fire Marshal but he is unsure whether the current Fire Marshal will continue that practice. Mr. Pack said the committee met to discuss Tier Two fees, grant awards and changes to the code.

The committee chair Jim Riggs said the committees recommendations are as follows: Tier Two fees currently are \$25.00 minimum; the committee proposes raising the minimum to \$100.00 and the maximum from \$100.00 to \$400.00. The committee also proposes a minimum SERC grant to LEPCs (regardless of incoming Tier Two fee funds) of \$1500. Increase training and assistance to LEPCs, in order to accomplish these goals it will be necessary to increase fees. These recommendations will need to be submitted to the Attorney Generals Office by July 8th for review before being submitted to the Governor and the Legislature in the upcoming session. There was discussion on how the committee determined the amount of fee increases and why. Jim Riggs indicated the reason the minimum was also raised is one we have one of the lowest fees in the nation, our fee base is declining because of federal exemptions, the number of large chemical companies also continues to decline so the determination was made to increase the fee equally across the board for all entities required to submit Tier Two's. There was some discussion about

requirements by the federal and state governments on the SERC. Richard Jarvis made a motion to accept the recommendation made by the Legislative Subcommittee and submit the request to the Legislature and Governor's Office, Rick Atkinson seconded. Motion passed unanimously. There was discussion on the committee recommendation to set a minimum grant amount of \$1500. The committee felt in looking at eligible grant amounts some counties were receiving as little as \$100.00. Grants are based on Tier Two fees and the number of reporting facilities a county has will have a direct effect on the grant amount a county is eligible for. Counties that are mostly rural or do not have a large manufacturing community will be eligible for grants that are considerably lower than other counties regardless of the risk to their communities. The committee felt a minimum grant amount will enable those LEPCs an opportunity to provide their communities with an acceptable level of service. All LEPC's will continue to be required to meet SERC guidelines for grants. Mr. Pack asked the committee to reexamine their view point. It is true the grant amount needs to be raised but only if the fee increases are passed through the legislature. If that does not happen the SERC would have the funding to increase the minimum grant to \$1500 for all eligible LEPCs. Roy McCallister made a motion to amend the previous motion; the committee recommends approval of a \$1500 minimum SERC grant for eligible LEPCs with the stipulation the legislature approves the fee increases previously approved. Jim Riggs seconded. Rick Atkinson asked if we are presuming the minimum grant will be \$1500 but it will be set by the SERC depending upon the Legislatures stance on raising Tier Two fees. Mr. Pack said yes. Motion passed.

New Business - Mr. Pack said information will be sent to the Attorney Generals office asking their opinion on legal implications if an LEPC returns a product that is completely unsatisfactory to the SERC. We will wait for the Attorney Generals recommendation before informing those LEPC's who have submitted sub-par products in the past of the SERC's stance on their submissions.

A copy of a letter the Public Service Commission sent to Governor Underwood on hazardous materials is in your packet. Loretta Bitner (PSC) has sent her apologies but is unable to attend this meeting, however, she will be available for questions on the letter at the next SERC meeting. Mr. Pack said one of the things the letter has brought out is the need to look at regionalization of hazmat capabilities throughout the state.

It would be unrealistic to try to train and equip every fire department in the state to an acceptable hazmat level. We also need to try and target our regions around hospitals since most likely victims of a hazmat situation or weapons of mass destruction will need to be evacuated to a hospital. Public Health definitely needs to be a factor in determining our regions as well as other state agencies.

There was continued discussion on capability assessments, existing hazmat teams, regionalization , executive orders, legislative incentives and the need for continued work and coordination by the SERC on this issue.

Mr. Pack wanted to commend Pocahontas, Roane and Doddridge counties for their hard and diligent work in getting their LEPCs active. Pocahontas and Roane have never been active and those committee have done a tremendous job and are providing a valuable service to their communities.

Mr. Pack also wanted to notify the SERC that Rick Atkinson from DEP, Air Quality will attend his last meeting in August. Mr. Atkinson will be retiring, he will bring his replacement to the next SERC Meeting.

Mr. Pack asked the assembly to remember and fill out their evaluation sheets and to also indicate whether they would like next years conference to stay at Canaan or try Pipestem.

Rick Atkinson made a motion to adjourn, Roy McCallister seconded, motion passed.

Meeting ended at 10:25 a.m. Next scheduled meeting will be at 10:00 State EOC August 14, 2000.